

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**BARRY BUCKHANON and  
RODNEY FRALEY,**

**Plaintiffs,**

**vs.**

**HUFF & ASSOCIATES  
CONSTRUCTION COMPANY, INC.**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**CASE NO.: 3:05-cv-0741-wkw**

**MOTION FOR SUMMARY JUDGMENT OF DEFENDANT  
HUFF & ASSOCIATES CONSTRUCTION COMPANY, INC.**

COMES NOW the Defendant, Huff & Associates Construction Company, Inc. ("Huff"), and pursuant to Fed. R. Civ. P. 56, hereby moves this Court for summary judgment. As grounds for this Motion, Huff states that there is no genuine issue of material fact upon which to submit the Plaintiffs' claims to a jury and that Huff is therefore entitled to judgment as a matter of law. Huff therefore moves this Court to enter an Order granting this Motion and dismissing the Plaintiffs' claims with prejudice. In support of this Motion, Huff submits and relies upon the following materials:

1. Complaint;
2. Deposition of Rodney Fraley, excerpts attached hereto as Exhibit A;
3. Deposition of Barry Buckhanon, excerpts attached hereto as Exhibit B;
4. Deposition of Robert Myers, excerpts attached hereto as Exhibit C;
5. Deposition of John Huff, excerpts attached hereto as Exhibit D;
6. EEOC statements of Buckhanon and Fraley, attached hereto as Exhibit E;
7. Brief in support of Motion for Summary Judgment, submitted herewith.

WHEREFORE, Defendant Huff & Associates Construction Company respectfully moves this Court to enter an Order granting this Motion for Summary Judgment.

/s/ Benjamin C. Wilson  
**BENJAMIN C. WILSON**  
**(asb-1649-i54b)**  
**Attorney for Defendant**  
**Huff & Associates Construction**  
**Company, Inc.**

**OF COUNSEL:**  
**RUSHTON, STAKELY, JOHNSTON**  
**& GARRETT, P.A.**  
**P.O. Box 270**  
**Montgomery, Alabama 36101-0270**  
**Phone: (334) 206-3194**  
**Fax: (334) 481-0831**

**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed above and foregoing document with the Court via CM-ECF, on this the 1st day of August 2006, and that service will be made electronically by CM-ECF on the following counsel of record:

James R. Bowles, Esq.  
BOWLES & COTTLE  
2 South Dubois Avenue  
P.O. Box 780397  
Tallassee, Alabama 36078

/s/ Benjamin C. Wilson  
OF COUNSEL